

REMARKS

Claims 1-27 are pending in the Application. Claims 1-6 and 18-27 are rejected under 35 U.S.C. §101. Claims 1-6, 8, 18-22, 24, 25 and 27 are rejected under 35 U.S.C. §102(e). Claims 7, 23 and 26 are objected to. Claims 9-17 are allowed.

Applicants cancelled claims 1-6, 8, 18-22, 24, 25 and 27 without prejudice or disclaimer. Hence, claims 7, 9-17, 23 and 26 are pending in the Application. Applicants cancelled claims 1-6, 8, 18-22, 24, 25 and 27 only to expedite the issuance of claims 7, 9-17, 23 and 26 and not in response to the Examiner's cited art. Applicants are not conceding in this application that cancelled claims 1-6, 8, 18-22, 24, 25 and 27 are not patentable over the art cited by the Examiner (including not conceding that cancelled claims 1-6, 8, 18-22, 24, 25 and 27 are directed to non-statutory subject matter), as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the subject matter (claims 7, 9-17, 23 and 26) indicated by the Examiner as being allowable. Applicants respectfully reserve the right to pursue these and other claims in one or more continuation patent applications.

Applicant amended claims 7, 23 and 26 to be rewritten in independent form and not to overcome prior art. Hence, no prosecution history estoppel arises from the amendments to claims 7, 23 and 26. *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.*, 62 U.S.P.Q.2d 1705, 1711-12 (2002); 56 U.S.P.Q.2d 1865, 1870 (Fed. Cir. 2000). Further, the amendments made to claims 7, 23 and 26 were not made for a substantial reason related to patentability and therefore no prosecution history estoppel arises from such amendments. See *Festo Corp.*, 62 U.S.P.Q.2d 1705 at 1707 (2002); *Warner-Jenkinson Co. v. Hilton Davis Chemical Co.*, 41 U.S.P.Q.2d 1865, 1873 (1997).

As discussed above, as a result of canceling claims 1-6, 8, 18-22, 24, 25 and 27 and rewriting claims 7, 23 and 26 in independent form, the rejections under 35 U.S.C. §§101, 102(e) are moot and claims 7, 9-17, 23 and 26 are allowable. Applicants respectfully request the Examiner to issue a notice of allowance allowing claims 7, 9-17, 23 and 26.

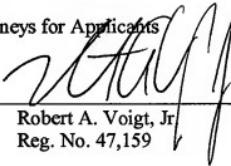
As a result of the foregoing, it is asserted by Applicants that claims 7, 9-17, 23 and 26 in the Application are in condition for allowance, and Applicants respectfully request an allowance of such claims. Applicants respectfully request that the Examiner call Applicants' attorney at the below listed number if the Examiner believes that such a discussion would be helpful in resolving any remaining issues.

Respectfully submitted,

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